

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

19-CR-227-LJV

JOSEPH BONGIOVANNI,
PETER GERACE, JR.,

Defendants.

UNITED STATES OF AMERICA,

v.

23-CR-37-LJV-MJR

PETER GERACE, JR.,

Defendant

GOVERNMENT'S MOTION TO WITHDRAW PRIOR MOTION TO DISQUALIFY

THE UNITED STATES OF AMERICA, by and through its attorney, Trini E. Ross, United States Attorney for the Western District of New York, Joseph M. Tripi, Nicholas T. Cooper, and Casey L. Chalbeck, Assistant United States Attorneys, Corey R. Amundson, Chief, United States Department of Justice, Public Integrity Section, and Jordan Dickson, Trial Attorney, United States Department of Justice, Public Integrity Section, of counsel, hereby files this Motion to Withdraw Prior Motion to Disqualify.

ARGUMENT AND REQUEST

On November 21, 2023, the government filed a sealed, *ex parte* motion to disqualify

one of defendant Peter Gerace's attorneys, Eric Soehnlein. *See Ex Parte* and Sealed Mot. to Disqualify, ECF No. 666, (dated Nov. 21, 2023). Pursuant to the Court's directive on December 1, 2023, the government filed a revised motion, under seal, on December 12, 2023, to defendant Gerace's counsel of record and attorney Brian Melber. In light of the December 12th superseding and revised motion to disqualify, the government moves to withdraw its initial motion to disqualify (ECF No. 666).

WHEREFORE, the government's initial motion to disqualify has been superseded, the Court should grant the government's motion to withdraw the initial motion to disqualify (ECF No. 666).

DATED: Buffalo, New York, December 13, 2023.

TRINI E. ROSS
United States Attorney

BY: s/JOSEPH M. TRIPI
s/ NICHOLAS T. COOPER
s/ CASEY L. CHALBECK
Assistant United States Attorney
Western District of New York
138 Delaware Avenue
Buffalo, New York 14202